

To: Card, Joan[Card.Joan@epa.gov]; EOC Public Information[EOC_Public_Information@epa.gov]; Hull, George[Hull.George@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Gray, David[gray.david@epa.gov]; Press[Press@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Purchia, Liz[Purchia.Liz@epa.gov]; Allen, Laura[Allen.Laura@epa.gov]
From: Ostrander, David
Sent: Wed 9/16/2015 5:20:17 PM
Subject: RE: Six bids

11.0 Award of Subcontract

Bidders should note this is an EPA time-critical removal project and that bidder's inability to provide an aggressive, but realistic, schedule and demonstrated ability to provide all required resources on schedule, will be considered during the evaluation process. Be advised this RFP does not guarantee the work will be performed, and makes no guarantee on quantities. The actual quantities may be greater than or less than the quantity specified in the Scope of Work.

ER reserves the right, without qualification, to accept or reject any and all quotations, to award a subcontract as a result of this RFP, and to request additional clarifying information through written information on addenda's. All quotations should be submitted with the most favorable pricing. ER intends on awarding a "Best Value" subcontract based on a combination of technical proposal, past performance, references, schedule, and price.

ER and the USEPA reserve the right to ask for additional details and clarify technical proposals. Under no circumstance is ER's award of a contract to be construed as 'approval' of a technology or approach by either ER or the USEPA. Meeting the performance specification defined within this RFP remains the sole responsibility of the successful bidder.

From: Card, Joan
Sent: Wednesday, September 16, 2015 11:04 AM
To: EOC Public Information; Ostrander, David; Hull, George; Levine, Carolyn
Cc: Grantham, Nancy; Gray, David; Press; Deitz, Randy; Purchia, Liz; Allen, Laura
Subject: RE: Six bids

Working on this.

From: StClair, Christie On Behalf Of EOC Public Information
Sent: Wednesday, September 16, 2015 11:01 AM
To: Ostrander, David; Card, Joan; Hull, George; Levine, Carolyn
Cc: Grantham, Nancy; Gray, David; Press; Deitz, Randy; Purchia, Liz; Allen, Laura
Subject: Re: Six bids

David, this is great. Thank you for adding some clarity and precision.

1. Can you help me understand the difference between Aug. 6 v Aug. 21? The RFP we posted is dated Aug. 21 but Aug. 6 keeps coming up too.

<http://www2.epa.gov/sites/production/files/2015-09/documents/08-1574715.pdf>

2. I need language to help explain this: page 6, 3.0, "Project Technical Requirements":
"EPA has directed ER to procure an interim water treatment plant for the treatment of mine discharge for an emergency response action at the Gold King Mine Site in Colorado. ..."

How can we say this is one step in a procurement process?

Thanks,
Christie

EOC PIO

202-250-8956

202-250-8957

202-250-8959

From: Ostrander, David
Sent: Wednesday, September 16, 2015 12:50 PM
To: Card, Joan; EOC Public Information; Hull, George; Levine, Carolyn
Cc: Grantham, Nancy; Gray, David; Press; Deitz, Randy; Purchia, Liz; Allen, Laura

Subject: RE: Six bids

Given the confusion around the contract documents, I think some clarification may be in order.
(this will need some messaging help)

The August 6th task order 77 had an objective: Provide an operating temporary mine water treatment system capable of treating the mine water at a potential flow of 1000 gpm on or before September 15. The water quality of effluent to be determined by EPA. (The system needs be operable through the at least the next 12 months.)

As this objective was a day after the spill, it was forward thinking contingency recognizing that the procurement of a temporary treatment system would take a few weeks to specify, solicit proposals, conduct technical evaluations, and then mobilize and deploy.

We have continued to proceed with the necessary steps to procure a system while evaluating conditions at the mine, water conditions from the discharge and downstream impacts to make an informed, scientific decision on the needs, benefits and costs of a temporary, portable treatment system. Our contractor has solicited proposals and is evaluating 6 company proposals. This evaluation is in process.

EPA has collected water and sediment quality data and is conducting an analysis to determine if a temporary treatment plant provides a measurable benefit to water quality downstream in the Animas River.

From: Card, Joan

Sent: Wednesday, September 16, 2015 10:33 AM

To: EOC Public Information; Hull, George; Ostrander, David; Levine, Carolyn

Cc: Grantham, Nancy; Gray, David; Press; Deitz, Randy; Purchia, Liz; Allen, Laura

Subject: RE: Six bids

Ok, but would be good to get answer to the August 4 question. Thanks.

From: StClair, Christie **On Behalf Of** EOC Public Information
Sent: Wednesday, September 16, 2015 10:28 AM
To: Card, Joan; Hull, George
Cc: Grantham, Nancy; Gray, David; Press, Randy; Deitz, Randy; Purchia, Liz; Allen, Laura
Subject: Re: Six bids

Ah, gotcha. This is separate.

<http://www.thedenverchannel.com/news/mine-disaster/epa-plans-treatment-plant-for-gold-king-mine-in-silverton-after-big-spill>

	<p>EPA plans treatment plant for Gold King Mine in Silverton after big spill - 7NEWS Denver TheDenverChannel.com</p> <p>DENVER (AP) — The Environmental Protection Agency plans to build a wastewater treatment plant for an inactive Colorado gold mine after the agency inadvertently triggered a 3-million-gallon spill of...</p> <p>Read more...</p>
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From: Card, Joan
Sent: Wednesday, September 16, 2015 12:23 PM
To: EOC Public Information; Hull, George
Cc: Grantham, Nancy; Gray, David; Press, Randy; Deitz, Randy; Purchia, Liz; Allen, Laura
Subject: RE: Six bids

Thought we were responding to this:

EPA Coming Clean, but Gold King a Gold Mine for Contractors

September 8, 2015

(Photo: [usepagov](#) / Flickr)

The Environmental Protection Agency (EPA) has posted hundreds of pages of documents about the Gold King Mine leak, which sent 3 million gallons of mining wastewater flowing into Colorado's Cement Creek and Animas River. The records provide insights about the mine [cleanup work](#), the [chronology of the release](#), and the emergency response that took place after the leak.

The Project On Government Oversight's review of federal contracts shows that even before the spill [supposedly began](#), the EPA was reacting to an emergency in the region that required a rapid response. A [nearly \\$1 million contract modification](#) with [Environmental Restoration LLC](#)—the EPA contractor working onsite at Gold King Mine where the spill occurred—was signed on August 4, the day before the spill. What was the money for and where was that emergency? The EPA hasn't fully come clean yet, and the agency should provide more details about the [three projects funded on August 4](#) and the activities at Gold King that day, including descriptions of activity in [posted pictures](#) from August 4 (see pictures posted on pages 2 and 3).

Contract modifications increasing funding for "Emergency and Rapid Response Services for Region 8" occurred on August 4, [August 5](#), and [August 13](#) (effective on August 6), totaling \$2.2 million. The contract modifications do not mention Gold King Mine specifically, and the contracting officer who prepared the listings didn't include the place of performance for the emergency response. If any of those contract actions are related to the Gold King spill, it raises the question of what EPA officials knew and when they knew it, and what remedial actions were taken.

The EPA hasn't responded to POGO's email request for information about emergencies in [Region 8](#), which includes Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming, and 27 Tribal Nations, in the month of August. (For some history on why the

Gold King disaster occurred, [see our earlier post](#) about the archaic laws and years of neglect that led to the spill. The circumstances are unfortunate, because the EPA and Environmental Restoration and other cleanup contractors did not cause the underlying problem, they are [cleaning up a mess](#) left behind by the mining companies that are no longer in business.)

Environmental Restoration also received work specifically mentioning the “Emergency and Rapid Response Services for Region 8. Gold King Mine Release,” [signed on August 6](#), for up to \$500,000, which was subsequently [increased to up to \\$1,000,000](#) and now [nearly \\$1.4 million](#). Questions are worth posing about the added funding for this contract and whether the EPA was concerned about awarding clean-up work to the same contractor that was involved in the initial spill. The EPA has released the [statement of work for the post-release work](#), which includes some background on the emergency, deliverables, and a schedule that is expected to end “on or before 11/30/2015.”

The company [has stated](#) that it will honor its “contractual confidentiality obligations to all of our clients, and cannot provide any additional information.” Its work at the Gold King Mine dates back to July 2014, when it [was hired to conduct](#) “[Emergency and Rapid Response Services] Time Critical Removal – Gold King Mine, San Juan County, CO.” According to the EPA website, Environmental Restoration has been involved in [emergency services in Region 8 since at least 2001](#).

In addition to the work awarded to Environmental Restoration, the EPA has brought in Environmental Quality Management, Inc. (EQM) to also respond to the Gold King Mine spill. To date, [EPA work orders awarded to EQM](#) total \$500,000 for [Region 6](#) and \$118,000 in [Region 9](#), and more money may have to flow to those regions because they are downstream and at risk from the Gold King Mine leak.

In an effort to have an independent review of the release, the [EPA announced](#) that the Department of the Interior would conduct a review; this will be in addition to [investigations by the EPA Inspector General](#). Congress, which has a long history of looking into the topic of [abandoned mines](#), is also demanding answers from [the EPA](#), [Interior Department](#), and [Environmental Restoration](#), and [scheduling hearings](#).

The EPA’s [release of contracts](#) and [other data](#) has assisted the public in [understanding the government’s actions](#), but there is a need for more answers. The EPA’s handling of this situation hasn’t been without its critics who [want more information](#) from the agency about concerns with notifying and working with local communities and questions about the leak itself. Obviously, we still need more information about the spill, its impact, the future cleanup, and the tax money being spent (especially since [lawsuits are forthcoming](#) and the [EPA is bracing for claims](#)). The public release of additional information and details will enhance the ongoing investigations and allow the government to learn from its mistakes rather than hiding the truth from policymakers and the public.

By: [Scott H. Amey, J.D.](#)

General Counsel, POGO

From: StClair, Christie **On Behalf Of** EOC Public Information
Sent: Wednesday, September 16, 2015 10:14 AM
To: Card, Joan; Hull, George
Cc: Grantham, Nancy; Gray, David; Press; Deitz, Randy; Purchia, Liz; Allen, Laura
Subject: Re: Six bids

Which Aug. 4 document are you referring to?

The RFP we just posted on the GKM website was issued Aug. 21, with bids due by Aug. 26

<http://www2.epa.gov/sites/production/files/2015-09/documents/08-1574715.pdf>

Updated language, developed with George and Terry (from the EU):

The issuance of a work order doesn't mean that there has been a final decision to build a wastewater treatment plant. Agency staff initiated an RFP for a potential wastewater treatment plant

shortly after the Aug. 5 release, so that the procurement process would be well underway if that decision were to be made. The agency is closely coordinating with officials in Colorado, New Mexico, Utah, Southern Ute tribe, Mountain Ute tribe, and Navajo Nation to develop a long-term water and sediment plan for the Gold King Mine site.

EOC PIO

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From: Card, Joan
Sent: Wednesday, September 16, 2015 11:50 AM
To: Hull, George
Cc: EOC Public Information; Grantham, Nancy; Gray, David; Press; Deitz, Randy; Purchia, Liz; Allen, Laura
Subject: Re: Six bids

This is useful, but wasn't the concern raised about an August 4 procurement?

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Sep 16, 2015, at 9:45 AM, Hull, George <Hull.George@epa.gov> wrote:

Here are few suggested edits. Also, in the last sentence, can we be more specific about the focus of the long-term plan for monitoring and management of water discharges from the mine. While it might be obvious, I think including that reference would be reassuring to the downstream communities. - George

From: StClair, Christie **On Behalf Of** EOC Public Information
Sent: Wednesday, September 16, 2015 11:08 AM
To: Grantham, Nancy
Cc: Gray, David; Press; Deitz, Randy; Card, Joan; Hull, George; Purchia, Liz; Allen, Laura
Subject: Re: Six bids

Looping in Randy and Joan, and George, Liz and Laura.

After talking with Randy I think we can and should strengthen our response. Here's a draft for everybody's input:

The issuance of a work order doesn't mean that there has been a final decision to build a wastewater treatment plant. Agency staff initiated a work order for a potential wastewater treatment plant the day after the Aug. 5 release, so that the procurement process would be well underway if that decision were to be made. The agency is currently working with the states of Colorado and New Mexico and the Navajo Nation to develop a long-term plan for monitoring and management regarding the Gold King Mine site.

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From: Grantham, Nancy
Sent: Wednesday, September 16, 2015 10:50 AM
To: EOC Public Information
Cc: Gray, David; Press
Subject: Re: Six bids

Please keep us here closely looped in as we are engaged on this issue thx ng

Sent from my iPhone

On Sep 16, 2015, at 8:49 AM, EOC Public Information
<EOC_Public_Information@epa.gov> wrote:

David, I'll reach out to OSWER for help responding.

Christie

EOC PIO

202-250-8956

202-250-8957

202-250-8959

From: Gray, David
Sent: Wednesday, September 16, 2015 10:46 AM
To: Press; EOC Public Information
Cc: Grantham, Nancy
Subject: FW: Six bids

From: Baltz, Tripp [<mailto:abaltz@bna.com>]
Sent: Wednesday, September 16, 2015 9:44 AM
To: Gray, David
Subject: Six bids

David:

Good morning. It's my understanding EPA has received six bids for a water treatment plant for Gold King. Would you or Nancy Grantham be available to talk about this? I can be reached at the phone number below.

[illegible]

Tripp Baltz

Staff Correspondent

Bloomberg BNA

Direct 303.358.3371

abaltz@bna.com